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DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			GARY, ERIKA A	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/118,100

Filing Date: July 17, 1998

Appellant(s): LEE, HYE-YOUNG

Paul J. Farrell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 4, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The amendment after final rejection filed on July 24, 2002 has not been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is deficient because the reference time as defined by the specification does not include the GMT of the physical location of the apparatus. Appellant states in the summary of invention that the reference time includes both "a current local time and the GMT of the physical location of the apparatus (S page 4, line 28 – page 5, line 14). The citation does not mention the reference time including the GMT of the physical location of the apparatus.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1, 2, 5-8, 11, and 12 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,108,277	Whitmore	08-2000
6,223,050	Roberts, Jr.	04-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 11, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmore, US Patent Number 6,108,277 (hereinafter Whitmore) in view of prior art made of record in the Office Action of paper number 18, Roberts, Jr., US Patent Number 6,223,050 (hereinafter Roberts).

Regarding claims 1 and 6, Whitmore discloses an apparatus (and method) for displaying local time information, comprising: means for storing Greenwich mean time

(GMT) information for each of a plurality of cities', means for setting a reference time; means for counting a duration of time that elapses from when said reference time is set; means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and means for outputting (and displaying) said local time [abstract; col. 8: lines 29-45].

What Whitmore does not specifically disclose is that the reference time is received from a signal received from a remote system. However, this limitation is taught by Roberts as will be discussed below.

Roberts discloses a system and method for automatically setting a remote timepiece with the correct time wherein the reference time is received from a signal received from a remote system [col. 4: lines 44-55].

Whitmore and Roberts are combinable because they are from the same field of endeavor, that is, displaying local time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Whitmore to include Roberts. The motivation for this combination would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated. Roberts provides further motivation by stating that it would be more efficient and more accurate to automatically reset clocks

with a reference time when power is interrupted or the time changes [col. 1: lines 42-46; col. 2: lines 43-49].

Regarding claims 2 and 11, Roberts discloses the apparatus is a mobile telephone [col. 7: lines 5-7; col. 5: lines 18-19].

Regarding claims 5 and 12, Roberts teaches the reference time is a system time acquired from a sync channel message received by the mobile phone from a base station of a CDMA cellular system [fig. 1; col. 6: lines 62-67; col. 8: lines 37-43].

Regarding claim 7, it is well known in the art to convey a message to set a reference time on a timepiece if a reference time is not set. It would have been obvious to include this feature to ensure that the correct time is ultimately displayed.

Regarding claim 8, Whitmore discloses the step of selecting includes the substeps of: displaying a list of said plurality of cities; and scrolling through said list to select a desired one of said plurality of cities [col. 8: lines 49-54].

(11) Response to Argument

Appellant argues that Whitmore does not teach that the current local time of a city is calculated based on a reference time. However, the Examiner respectfully disagrees. Whitmore teaches that the invention is "structured and disposed to indicate at least a current time and date for a particular geographical location" [col. 5: lines 59-61]. Whitmore also teaches the manual setting a reference time [col. 13: lines 16-18]. Whitmore teaches that once the reference time is set, the user can select a city and the

current local time and date for that location will be automatically indicated to the user [col. 8: lines 29-45; col. 13: lines 38-46].

Further, based on the Decision on Appeal mailed March 3, 2004, (page 4), it is the opinion of the Board of Patent Appeals and Interferences that Whitmore in fact teaches "a wristwatch having a conversion apparatus for converting GMT to current local time for plurality of predetermined geographical sites (abstract; col. 8, lines 29-62). The "reference time" is apparently input manually by the user since no other method of input is described. Whitmore is a timepiece and therefore keeps "elapsed time." The time at the present location in Whitmore is the reference time plus the elapsed time. Whitmore impliedly uses the difference between the GMT of selected location and the GMT of the present location in conjunction with the current time (which is the reference time plus the elapsed time) to calculate a time for the selected location." The opinion goes on to state that the examiner is correct in finding that Whitmore does not disclose "means for acquiring a reference time from a signal received from a remote system."

In the rejection mailed March 26, 2004, the Examiner relies upon Roberts to teach the missing limitation (acquiring a reference time from a signal received from a remote system). In the current Appeal Brief, Appellant appears to agree that this is taught by Roberts as it is not argued in the brief.

In the current Appeal Brief, Appellant repeatedly argues that Whitmore does not teach that the local time of a selected city is based on a reference time. However, based on the above arguments, the Examiner contends that Whitmore does teach this limitation.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Erika Gary
December 21, 2004


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PRIMARY EXAMINER

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